

Notice of Allowability

Application No.

10/609,635

Examiner

Juan D. Valentin II

Applicant(s)

TAKAHASHI ET AL.

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/26/2006.

2. ☒ The allowed claim(s) is/are 43-64, 66, 68-79 and 83-85.

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some* c) ☐ None of the:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John C. Altmiller (Reg. No. 25,951) on 07/10/2006.

The application has been amended as follows:

- Claims 1-42 & 80-82 are canceled.

2. Claims 43-64, 66, 68-79, & 83-85 are allowed over prior art of record.

The following is an examiner's statement of reasons for allowance:

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 43, the prior art fails to disclose or make obvious "an optical element comprising a curved reflection surface with positive power arranged to be decentered from a center axis of the beam of rays as reflected from the reflection surface for detection" and in combination with the other recited limitations of claim 43. Claims 44-61 are allowed by virtue of dependency on the allowed claim 43.

Regarding claim 62, the prior art fails to disclose or make obvious "an optical element comprising a curved reflection surface with positive power arranged to be decentered from a center axis of the beam of rays as reflected from the reflection surface for detection" and in combination with the other recited limitations of claim 62. Claims 63, 64, 66, & 68-79 are allowed by virtue of dependency on the allowed claim 62.

Regarding claim 83, the prior art fails to disclose or make obvious "an optical element comprising a curved reflection surface with positive power arranged to be decentered from a center axis of the beam of rays as reflected from the reflection surface for detection" and in combination with the other recited limitations of claim 83.

Regarding claim 84, the prior art fails to disclose or make obvious "an optical element comprising a curved reflection surface with positive power arranged to be decentered from a center axis of the beam of rays radiated from the another light source as reflected from the reflection surface for detection" and in combination with the other recited limitations of claim 84.

Regarding claim 85, the prior art fails to disclose or make obvious "an optical element comprising a curved reflection surface with positive power arranged to be decentered from a center axis of the beam of rays radiated from the light source as reflected from the reflection surface for detection" and in combination with the other recited limitations of claim 43.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

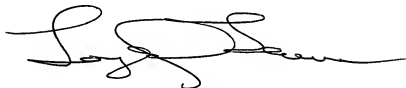
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juan D. Valentin II whose telephone number is (571) 272-2433. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Juan D Valentin II
Examiner 2877
JDV
July 10, 2006



LAYLA G. LAUCHMAN
PRIMARY EXAMINER